

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DERRICK HOLLAND,

Plaintiff,

v.

CITY OF RIDGECREST, a public entity;  
OFFICER WILLIAM GROVES, ROBERT  
WISE; BROCK WEISBURCH,

Defendants.

Case No. 1:22-CV-01578-JLT-CDB

**ORDER GRANTING DEFENDANTS'  
MOTION TO DISMISS THE FIRST  
AMENDED COMPLAINT**

(Doc. 11)

This federal civil rights action proceeds on Plaintiff's first amended complaint (FAC) filed February 27, 2023. (Doc. 9.) On March 20, 2023, the City of Ridgecrest and Officer William Groves ("Moving Defendants") moved to dismiss the FAC "in its entirety." (Doc. 11.) Thereafter the matter was stayed pursuant to stipulation for several months. (Docs. 15, 18.) On August 30, 2023, the stay was lifted, and Plaintiff was directed to respond to the motion to dismiss. (Doc. 19.) On September 11, 2023, Plaintiff filed a statement of non-opposition (Doc. 20), thereby conceding that the motion should be granted as to the entire FAC.<sup>1</sup> Plaintiff did not request leave

---

<sup>1</sup> The FAC alleges that two additional defendants, Robert Wise and Brock Weisburch, were ordered by Defendant Groves to plant illegal narcotics in Plaintiff's home. (Doc. 9 at ¶ 1.) Defendants Wise and Weisburch have been served but have not yet appeared. Plaintiff does not allege facts suggesting that those two individuals were state actors, but rather that all the individual Defendants engaged in a conspiracy to violate Plaintiff's constitutional rights. (See generally *id.*) The motion to dismiss does not directly address Defendants Wise and Weisburch. (See Doc. 11.) Rather, it argues that Plaintiff's claims against Defendant Groves and the City of Ridgecrest are either barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), and/or fail to state claims against the Moving Defendants. Nonetheless,

1 to amend. Accordingly, the Court **ORDERS:**

2 1. The motion to dismiss (Doc. 11) is **GRANTED**.

3 2. The first amended complaint is **DISMISSED WITHOUT LEAVE TO AMEND**.

4 The Clerk of Court is directed to **CLOSE THIS CASE**.

5  
6 IT IS SO ORDERED.

7 Dated: **September 22, 2023**

  
UNITED STATES DISTRICT JUDGE

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 the motion requests dismissal of the entire FAC. (*Id.*) The Court assumes that Plaintiff's non-opposition to the motion  
28 extends to the claims against Defendants Wise and Weisburch, in part because it does not seem possible to maintain a  
civil rights conspiracy claim against non-state actors where a Plaintiff concedes that the constitutional violations at  
issue are either barred or insufficiently alleged.